

### REMARKS

Claims 1-3,5-19,21-24 and 27 are pending in this application. Claims 1-3,5-19,21-24 and 27 have been rejected under 35 U.S.C. § 103(a) as being obvious over by U.S. Patent No. 4,603,030—McCarthy in view of U.S. Patent No. 6,783,084—Nelson. This reason for rejection is respectfully traversed. Upon entry of the amendments set forth above and for the reasons set forth below, it is respectfully submitted that the pending claims are patentably distinguishable from the prior art of record and that this application is now in a condition to be allowed. Review and reconsideration of this application are therefore respectfully requested.

#### Claim Rejections 35 USC § 103(a)

Claims 1-3,5-19,21-24 and 27 have been rejected under 35 U.S.C. § 103(a) as being obvious over by U.S. Patent No. 6,783,084—Nelson in view of U.S. Patent No. 4,603,030—McCarthy. This reason for rejection is respectfully traversed.

The present invention is directed to a system for delivering fragrance to a use in a manner that is synchronized with an audiovisual presentation. The apparatus includes a rotating turret that indexes between ports that contain different scents, and the scents are collected in a manifold and delivered after they are volatilized by a short blast of gas. As shown in FIG. 3 and described in the specification, compressed gas is delivered in a first single conduit and passes through the turret 236. Entrained fragrance is collected in a manifold hood 238 which in turn conducts the scented airflow via a second single conduit connected to a nosepiece or structure that directs the fragrance to the nostrils of a single user.

In contrast, Nelson discloses a complex aromatherapy system that houses a number of canisters of scented materials that are “entrained” in a bundle of tubes, all of which terminate in set of valves at a delivery point. The valves selectively open to discharge the already “entrained” materials into the airflow, and the mixture of airflow air and scent is delivered to a subject.

Independent claim 1, as amended, recites that there is a single compressed gas conduit that is in communication with the turret, a manifold hood that collects entrained fragrance chemicals and a second single conduit that transports the collected gases to a subject. Nelson discloses that each scent must have its own conduit 62. (See Column 1, lines 56-63; FIGS. 3 and 5 and column 4, lines 15-40). There is no teaching or suggestion to modify or adapt the device of Nelson to use a manifold hood that collects entrained scented chemicals to the user. Instead, Nelson teaches using a bundle of conduits (illustrated in

FIGS. 3-3A) that terminate in the area where airflow is directed to the recipient, but this structure is neither a manifold nor a second single conduit, but simply the terminal end or delivery point of the device. Thus, there is neither disclosure of nor is there any suggestion or even the possibility of modifying the structure of Nelson to perform like the claimed invention. Nelson teaches that each scent must be delivered in its own conduit, and that the individual conduits must be located near the recipient, not near the source of aromatics. (See Col. 4, lines 46-51).

The McCarthy reference is cited as disclosing a turret that indexes between scents in a plurality of holders, but the disclosure of this reference does not disclose the deficiencies of Nelson discussed above relating to the manifold. Additionally, it is the fundamental difference between Nelson and the present invention that precludes this proposed combination. Because Nelson teaches that each scent should be entrained in an individual conduit, and those multiple conduits extend to a remote point where they are mixed with air, making the structure that retains the scented vials of Nelson in a turret as disclosed in McCarthy would require a complete redesign of the airflow system disclosed in Nelson—which is specifically designed to maximize aromatherapy benefits.

Additionally, applicant respectfully disagrees with the contention that a cost savings would be realized by the proposed re-design. Each is a complex electromechanical system, and there is no suggestion in either reference that the cost of one design is more favorable. Additionally, the Nelson reference teaches that an advantage of the multiple conduit design is that unused fragrance chemicals (which can be very expensive) can be collected as they condense inside the conduits. (Col. 4, lines 40-45). The proposed combination of Nelson and McCarthy would destroy this feature of the disclosed device.

Accordingly, claim 1 would not have been obvious in view of the asserted combination, there are significant differences between the invention recited by claim 1 and the prior art and these differences are not suggested by the asserted combination, and in fact the references themselves teach away from making the proposed combination.

Claim 16 has been corrected so it is no longer redundant to claim 14.

Independent claim 17 has been amended to recite limitations similar to those recited in claim 1 with regard to a manifold and a single conduit connected to the manifold. Therefore, for the same reasons set forth above with reference to claim 1, it is respectfully submitted that claim 17 would not have been obvious. Claims 18-19 and 21-22 depend from claim 17 and for these same reasons are also not

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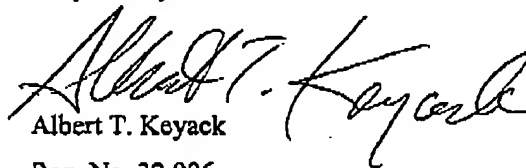
obvious in view of the asserted combination of references.

Independent claim 23 has been amended to recite limitations similar to those recited in claim 1 with regard to a manifold and a single conduit connected to the manifold. Therefore, for the same reasons set forth above with reference to claim 1, it is respectfully submitted that claim 23 also would not have been obvious. Claims 24 and 27 depend from claim 23 and for these same reasons are also not obvious in view of the asserted combination of references.

**Conclusion**

For all these reasons, it is respectfully submitted that the present application, including the amendments set forth above and the additional materials submitted herewith, is now in a condition to be allowed. Notice to this effect is earnestly solicited.

Respectfully submitted,



Albert T. Keyack

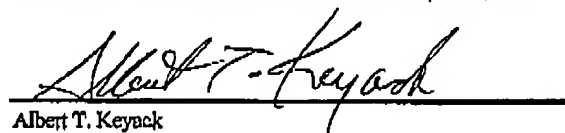
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Dated: April 19, 2006

I, Albert T. Keyack Registration No. 32,906 hereby certify that this correspondence is being transmitted via facsimile and/or First Class mail with sufficient postage addressed to the Commissioner of Patents and Trademarks, on April 19, 2006



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